

46 Am. Jur. 2d Judges § 243

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Judges

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XII. Special, Substitute, or Pro Tem Judges

C. Rights, Powers, and Duties

§ 243. Extent of authority of substitute judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  25(1)

The acts within the jurisdiction of a special judge or a judge pro tempore are the acts of the court.¹ The terms of the assignment order control the extent of the judge's authority.² The territorial extent of the jurisdiction and authority of a substitute judge are ordinarily the same as those of the regular judge.³ For instance, a circuit court judge from one county, who was appointed as a special judge in another county for the limited purpose of hearing a capital murder case, had territorial jurisdiction to transfer the case from the second county and to conduct the trial in the first county; the judge obtained territorial jurisdiction over the case, in the second county, by the special appointment, and the judge simultaneously enjoyed territorial jurisdiction in the judge's home district, i.e., the first county.⁴

A supplemental order appointing a judge as a special judge for a distinct purpose is construed as extending the judge's previous appointment and confers only that authority conferred in the statutory appointment.⁵

A competency trial is considered a civil mental health proceeding within a criminal case, for purposes of a statute conferring jurisdiction upon a special judge to hear any matter in a mental health proceeding.⁶

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Footnotes

- ¹ State ex rel. Harp v. Vanderburgh Circuit Court, 227 Ind. 353, 85 N.E.2d 254, 11 A.L.R.2d 1108 (1949); State ex rel. Juvenile Dept. of Marion County v. Arevalo, 117 Or. App. 505, 844 P.2d 928 (1992).
- ² Waddle v. Sargent, 313 Ark. 539, 855 S.W.2d 919 (1993); Mangone v. State, 156 S.W.3d 137 (Tex. App. Fort Worth 2005), petition for discretionary review refused, (June 15, 2005).

- 3 [Burns v. State](#), 192 Ind. 427, 136 N.E. 857 (1922).
As to authority of successor judges, see §§ [29](#) to [35](#).
As to authority of judge to reconsider rulings by another judge, see §§ [36](#) to [41](#).
- 4 [Baze v. Com.](#), 276 S.W.3d 761 (Ky. 2008).
- 5 [NCF, Inc. v. Harless](#), 846 S.W.2d 79 (Tex. App. Dallas 1992).
- 6 [Rogers v. Lansdown](#), 1992 OK CR 25, 829 P.2d 687 (Okla. Crim. App. 1992).

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